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09/537,288	03/29/2000	Masao Okada	03586.021871	7078

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EXAMINER

D AGOSTINO, PAUL ANTHONY

ART UNIT	PAPER NUMBER
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3714

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01/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/537,288

Applicant(s)

OKADA ET AL.

Examiner

Paul A. D'Agostino

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17, 19-26, 32, 36 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 19-26, 32, 36 and 39-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This responds to applicant's Arguments/Remarks filed 12/21/2007. Claims 17, 25, 26, and 36 have been amended, Claims 37-38 have been cancelled, and Claims 40-41 have been newly added. Claims 17, 19-26, 32, 36, and 39-41 are now pending in this application.

#### ***Claim Objections***

1. Claim 39 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The cancellation of Claim 37 rendered Claim 39 an improper dependent claim since it does not further limit a prior claim. Correct the dependency as appropriate.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 19-26, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,913,019 to Attenberg (Attenberg) of record in view

of U.S. Patent No. 6,369,908 to Frey et al. (Frey) of record and U.S. Patent No. 6,353,772 to Silverbrook (Silverbrook).

In Reference to Claims 17, 25, 26, and 36

Attenberg discloses a sticker printing apparatus {A control method of a stick printing apparatus; A storage medium storing program codes; A printing apparatus} (Fig. 1 "photo kiosk" 10) for printing a desired sticker ("sticker sheet" Col. 5 Lines 26-27 and Fig. 5) by operating a touch panel ("touch display" Col. 4 Line 2i) overlaid on a display screen ("monitor" 14 Col. 4 Line 21), comprising:

storage means {a storing step}("CPU saves the captured image" Col. 8 Line 46 and "stored in memory 21a associated with CPU 21" Col. 7 Line 49 ) for storing a plurality of images ("image from camera 16" Col. 7 Lines 48 and "background image" Col. 8 Line 21), which are to be parts for forming a sticker {an image to be printed}(Fig. 5 and "stickers" Col. 5 Line 22), as a plurality of logical layers ("user as one layer 'layer 1' and backdrop color/background image as another layer 'layer 2" Col. 8 Lines 31-32) which overlie each other in a fixed order ("Once the background image is chosen, the CPU activates the camera 16 to image the user and the colored backdrop 112" Col. 8 Lines 25-27 and "CPU generates a multiple image file..., for printing on a single sheet" Col. 8 Lines 47-49 and "CPU sends the multiple image file to the printer..., printer prints the transmitted image file to a single sheet of multiple peel-off sticker material." Col. 8 Lines 49-53; system performs this operation with layers in a fixed order, user image layer 1 on backdrop/background layer 2);

selection means {a selection step}("numbered windows" Col. 4 Line 12) for selecting one of a plurality of background patterns (sixteen different background patterns" Col. 8 Line 15) displayed on a display screen by using the touch panel as a part of the sticker ("numbered windows" on monitor 14 "in the form of a touch display" Col. 4 Lines 19-23);

background image display means {a background image display step}("software program that controls the process of the system" Col. 3 Lines 53-54) for displaying on the display screen a background image corresponding to the background pattern selected by said selection means ("When the window of choice is selected ... users see themselves on the full screen with the selected background color." Col. 4 Lines 24-28) and storing the background image as a bitmap image ("electronic digital image" Col. 4 Line 49 and "digitized information" Col. 8 Line 47) in a layer ("layer" Col. 8 Line 32) corresponding to a background image layer ("layer 2" Col. 8 Line 32) among the plurality of logical layers in said storage means;

control means {a control step}("CPU" 21 Col. 2 Line 41) for generating a set of bitmap image data corresponding to an inputted character string and storing the bitmap image in a layer assigned to the inputted character string among the plurality of logical layers of said storage means, each time a character string is inputted by said input means (system performs this function as additional fixed layers are explicitly disclosed by Attenberg, e.g. "foreground image" Col. 8 Line 36):

generating means {a generating step}("CPU" 21 Col. 8 Line 25) for generating image data of a sticker {to be printed} by laying out each of the stored sets of bitmap

image data stored in said storage means in accordance with said fixed order and predetermined positions assigned to each of the logical layers ("This is accomplished by defining the user as one layer (layer 1) and the backdrop color as another layer (layer 2), and substituting the selected background image for layer 2. At step S96, a user may optionally also select a foreground image from a number of displayed foregrounds, and at step S97, the CPU overlays the selected foreground image with the composited live image of the user and the selected background. Col. 8 Lines 30-39);

edit means {an editing step} for, when a desired layer to be edited is designated by using said touch panel with regard to image data obtained by said generating means {using said input means}, editing the designated layer, re-generating image data {to be printed} of the sticker by overlaying bitmap image data of the edited layer and bitmap image data of non-edited layers in accordance with said fixed order and the positions assigned to each of the logical layers (In one embodiment, editing can be accomplished during the interactive mode of Col. 8 Line 16 whereby at S93, the CPU displays a number of background image choice options for the user to choose (Col. 8 Lines 19-22); and "At step S98, a countdown is begun to allow the user a period of time during which to adjust his/her pose, facial expression, and image orientation, before an image is "frozen." At step S99, the image on the display is captured or frozen by the CPU, either as a result of a timeout in step S98 or in response to the actuation of an image freeze button by the user. At step S100, the CPU saves the captured image as digitized information. At step S101, the CPU generates a multiple image file from the saved captured image, for printing on a single sheet." Col. 8 Lines 40-49);

output means {an output step} for, when an output instruction is inputted by using said touch panel, outputting the image data of the sticker, obtained by said generating means or said edit means, to printing means ("At S102, the CPU sends the multiple image file to the printer, which is received by the printer at step S103. Next, at S104 the printer prints the transmitted multiple image file to a single sheet of multiple peel off sticker material." Col. 8 Lines 49-55);

wherein the order of operation determining the parts including the background image and character strings forming the sticker is fixed (Figs. 3 and 4; the order is fixed Col. 3 Lines 66-67 and Col. 4 Lines 1-52; in another embodiment, a user can enter into an interactive mode of Figs. 9A and 9B and Col. 8 Line 15); wherein said edit means selects a layer to be edited (background or image layers in interactive mode Col. 8 Lines 12-55); and

wherein the output means outputs the image data when the image of final layer is determined or the edit of the final layer is completed (Fig. 9A wherein S98countdown process ends and at S99 image is frozen, S100 saved, and S101 file generated).

Attenberg discloses of a plurality of logical layers (background, user image, and foreground) as parts of the sticker. However, Attenberg fails to teach of input means {an input step} for inputting, by using the touch panel, a plurality of character strings to be printed on a sticker, each of said character strings being assigned to each of the plurality of logical layers, and wherein editing is in accordance with whether a user designates a previous part or a next part.

Frey teaches of an input means for inputting, by using the touch panel ("touch screen" 213 Col. 4 Line 22-23), a plurality of character strings to be printed on a sticker, each of said character strings being assigned to each of the plurality of logical layers ("banners" Col. 4 Lines 1-32 and "text message" Col. 5 Lines 1-9; "The CPU uses standard software programs that are known in the art field to combine the electronic image captured by the camera, the optional superimposed banner, the optional audio message, and the optional text message into electronic files." Col. 5 Lines 58-62) in order to provide an improved interactive photo kiosk (Col. 2 Line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the character strings integrated onto electric images as taught by Frey into the teachings of Attenberg in order to provide an improved interactive photo kiosk.

Attenberg also teaches that the user can edit by selecting a layer by activating an interaction mode (Col. 8 Lines 11-55). The interactive mode allows the user to edit all layers starting first with the background layer then the image layer. Attenberg does not teach of moving backward and forward allowing the user to edit in accordance with whether a user designates a previous part or a next part.

Silverbrook teaches of a vending machine for customizing photos and artcards (Title and Abstract) wherein on a user interface there are "navigation buttons" 15 and 16 (Fig. 2) that "provide for an alternative form of navigation with the button 15 going back to a previous screen and the button 16 returning the user to a higher level (Col. 6



Lines 3-8) in order to allow the user to “navigate through a wide range of Artcards so as to produce their own particular customized requirements” (Col. 6 Lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the navigation arrows of the user interface as taught by Silverbrook into the teachings of Attenberg as modified by Frey in order to allow the user to navigate through a wide range of Artcards so as to produce their own particular customized requirements.

In Reference to Claims 19 and 20

Attenberg as modified by Frey discloses an apparatus substantially equivalent to that of applicant's claimed invention. However, Attenberg fails to disclose input means comprising means for displaying predetermined sample character strings on the display screen; means for selecting a character string from the displayed sample character strings by using the touch panel; means for setting the touch panel as character input means; means for displaying a virtual keyboard for character input operation when the touch panel is set as character input means; and means for setting a character design.

Frye teaches of input means comprising means for displaying predetermined sample character strings on the display screen; means for selecting a character string from the displayed sample character strings by using the touch panel; means for setting the touch panel as character input means; means for displaying a virtual keyboard for character input operation when the touch panel is set as character input means (Col. 4

Lines 1-32), and means for setting a character design ("After the user inputs the information, the CPU saves the electronic files onto the user's removable electronic storage device under the given name, 237. In such a manner, the user can save the audio, text, and video images as an electronic file for future retrieval and usage." (Col. 5 Lines 20-25) in order to provide an improved interactive photo kiosk (Col. 2 Line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the means as taught by Frey into the teachings of Attenberg in order to provide an improved interactive photo kiosk (Col. 2 Line 30).

In Reference to Claims 21 – 23

Attenberg as modified by Frey discloses an apparatus substantially equivalent to that of applicant's claimed invention wherein the sticker has a form corresponding to a senjafuda, the form consisting of a header, a main body, and an insertion portion (system performs this function; each fixed layer of Attenberg as modified by the character strings of Frey); and wherein said input means inputs respective character strings for the header, main body, and insertion portion (system performs this function); wherein said printing means prints plural stickers on one sheet (Fig. 5); and further comprising setting means for setting whether or not to insert the insertion portion into the form (system performs this function; "having a banner added to an image or no banner added to the image" Col. 4 Lines 3-4), wherein in a case that the setting means sets to insert the insertion portion into the form, a part of the stickers in one sheet are printed with the insertion portion inserted into the form (system performs this function).

In Reference to Claim 24

Attenberg as modified by Frey discloses an apparatus further comprising memory means for storing data inputted by said input means ("memory" 21a); and designation means ("image processing program" Col. 7 Lines 56-56 and "freeze capture function" Col. 7 Line 61 ) for designating to return to an input subject for changing already-inputted data, wherein in. a case where said designation means designates to return to an input subject, contents stored in said memory means are used as a default setting of the input subject (system performs this function wherein "The modified image data is then sent to the monitor 14 for viewing by the user. According to this embodiment, the user may adjust the image appearance after activating the image freeze capture function which causes the instantaneous image data from the camera 16 to be sent to the CPU and stored in memory") (Col. 7 Lines 58-67).

4. Claims 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,913,019 to Attenberg (Attenberg) of record in view of U.S. Patent No. 6,369,908 to Frey et al. (Frey) of record and U.S. Patent No. 6,353,772 to Silverbrook (Silverbrook) and further in view of U.S. Patent No. 5,930,810 to Farros et al. (Farros).

In Reference to Claim 32

Attenberg as modified by Frey and Silverbrook disclose an apparatus substantially equivalent to applicant's claimed invention. However, Attenberg as

modified by Frey and Silverbrook fail to disclose an apparatus wherein the sets of image data obtained by said generating means are each arranged at predetermined fixed positions on the background image.

Farros teaches of sets of image data are each arranged at predetermined fixed positions on the background image (Fig. 7 and "The "Positions of objects" block 721 allows the changing of the position of an object, within predefined limits on the form." Col. 9 Lines 6-7) in order for laypersons to make aesthetically pleasing high quality printed products (Col: 3 Lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the invention as taught by Farros into the teachings of Attenberg as modified by Frey and Silverbrook in order for laypersons to make aesthetically pleasing high quality printed products.

NOTE: In the spirit of advancing prosecution, Claim 39 will be interpreted as depending from Claim 36.

In Reference to Claim 39

Attenberg discloses selection means ("numbered windows" Col. 4 Line 12) for selecting layers to be outputted (sixteen different background patterns" Col. 8 Line 15), wherein said layout means lays out images of the layers selected by said selection means ("numbered windows" on monitor 14 "in the form of a touch display" Col. 4 Lines 19-23).

5. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,913,019 to Attenberg (Attenberg) of record in view of U.S. Patent No. 6,369,908 to Frey et al. (Frey) of record and U.S. Patent No. 6,353,772 to Silverbrook (Silverbrook) and further in view of Japanese Patent No. 07334701 to Okuyama (Okuyama), U.S. Patent No. 6,008,820 to Chauvin et al. (Chauvin), and U.S. Patent No. 5,405,152 to Katanics et al. (Katanics).

In Reference to Claim 40

Attenberg as modified by Frey and Silverbrook discloses a system substantially equivalent to applicant's claimed invention. Further, Attenberg as modified by Frey and Silverbrook disclose memory layers and drawing means for creating a composite image by stacking the images into a composite image. However, Attenberg as modified by Frey and Silverbrook fail to disclose memory means having a plurality of memory layers for storing a part image forming an animation; drawing means for selecting a memory layer among the plurality of memory layers at the timing defined in a predetermined schedule information; drawing a part image in the selected memory layer in accordance with the predetermined schedule information; and animation display means for displaying an animation by combining the parts stored in the plurality of memory layers in accordance with schedule information, wherein the display of the animation is executed at the time period from that a sticker had been printed to that a user operates for printing another sticker.

Okuyama teaches of a picture synthesizer unit [0001] with memory means having a plurality of memory layers (Fig. 6 "memory" layers 14a-e and [0009]; frame memories 14a-e which store image data of respective layers and have their mutual priority predetermined [Claim1]) for storing a part image forming an animation (system performs this intended use); drawing means ("control means (20) and "timing sheet" data define the sequence of composition of the picture of each layer and the timing of each image in memory [0009] for selecting a memory layer among the plurality of memory layers at the timing defined in a predetermined schedule information (system performs this intended use); drawing a part image in the selected memory layer in accordance with the predetermined schedule information (synthetic circuit (12) which compounds the image data read from the memory according to the priority [0009]); and animation display means (display device (26)) for displaying an animation by combining the parts stored in the plurality of memory layers in accordance with schedule information (system performs this intended use to form a "continuous picture" [0009] and Figs. 1-4 with animation resulting from the timing and order of the images [0028] in order to provide a composting device which facilitates the setting of a composition sequence for images, enables its composition result to be seen immediately, and facilitates the adjustment of the composition sequence [0005].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the picture synthesizer as taught by Okuyama into the teachings of Attenberg, as modified by Frey and Silverbrook in order to provide a composting device which facilitates the setting of a composition sequence for images,

enables its composition result to be seen immediately, and facilitates the adjustment of the composition sequence [0005].

However, the system of Attenberg as modified by Frey, Silverbrook, and Okuyama, is silent on the animation being a moving picture versus a still image.

Chauvin teaches of known methods using a hardware-based animation technique called "sprites" whereby sprites represent static two-dimensional images that are scaled or translated to achieve a simple form of animation (Col. 4 Lines 30-37) in order to provide a less costly method of animation (Col. 4 Lines 30-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the known technique as taught by Chauvin into the teachings of Attenberg as modified by Frey, Silverbrook, and Okuyama in order to provide a less costly method of animation (Col. 4 Lines 30-31).

The invention of Attenberg as modified by Frey, Silverbrook, Okuyama, and Chauvin are silent wherein the display of the animation is executed at the time period from that a sticker had been printed to that a user operates for printing another sticker.

Katanics teaches of an interactive video game with an "Attract Module" (Fig. 3) wherein the display of the animation is executed at the time period between uses ("Once the attract sequence is completed and a game is not in a pause mode, the game play module is invoked at processing block 204. The system returns to attract mode after the game play module is completed." Col. 6 Lines 25-30 and Col. 7 Lines 23-47) in order to provide a center of interest for potential players (Col. 6 Lines 24-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the attract module as taught by Katanics into the teachings of Attenberg as modified by Frey, Silverbrook, Okuyama, and Chauvin in order to provide a center of interest for potential players.

In Reference to Claim 41

Attenberg as modified by Frey, Silverbrook, Okuyama, Chauvin, and Katanics discloses a system substantially equivalent to applicant's claimed invention. In addition, Frey teaches of creating, storing and distributing electronic images and audio messages (Col. 2 Lines 31) in order to provide an improved interactive kiosk. Katanics teaches of an attract mode wherein the invention generates visual and audio effects to provide a center of interest for potential players (Col. 6 Lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the audio data as taught by Frey and Katanics into the teachings of Attenberg as modified by Frey, Silverbrook, Okuyama, Chauvin, and Katanics in order to provide an improved interactive kiosk and a center of interest for potential players.

***Response to Arguments***

6. Applicant's arguments with respect to claims 17, 25, 26, and 36 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that neither Attenberg nor Frey teach of a user being able to edit by returning to a previous



operation. Examiner has provided additional prior art in response to the claims amendments that address the editing order as well as the new claim limitations.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

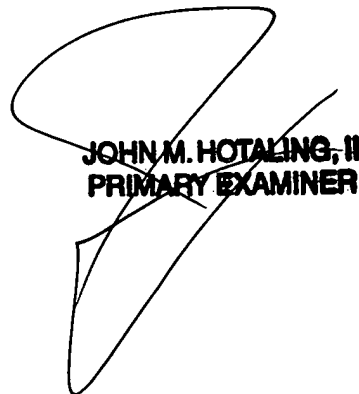
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul A. D'Agostino  
Examiner  
Art Unit 3714

PAD

  
**JOHN M. HOTELLING, II**  
**PRIMARY EXAMINER**